



south dakota DEPARTMENT OF EDUCATION

Learning. Leadership. Service.

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SUBJECT: Policy Guidance Questions and Answers
Free and Reduced Price Policy
Wellness Policies
Allowable Costs
Civil Rights
Direct Certification and Paper Applications
Completion of Applications by LEA Officials

NSLP – 102

TO: Authorized Representatives

FROM: Child and Adult Nutrition Services

This information should be shared with the persons responsible for approval of applications for free and reduced price meals and others who are responsible for maintaining paper or electronic eligibility lists or who distribute meal tickets. The original should be placed in the numbered memo notebook from Child and Adult Nutrition Services. The memo is also available on the Child & Adult Nutrition Services website. Questions regarding this policy memo should be referred to Child and Adult Nutrition Services at 605-773-3413.

Free and Reduced Price Policy

1. The new 30-day policy states, "Given the emphasis placed on prompt determinations and on ensuring access to program benefits, we (USDA) will be revising the current regulations to require a carry-over of eligibility of up to 30 operating days into the subsequent school year". Does carry-over of up to 30 operating days, mean any number of days between 1 and 30 days is acceptable?

A. The State Agency determines the number of days for carry-over. The local agency has to offer carry-over. USDA's most recent policy allows for any number of days up to 30 days for carry-over. Once the new rule is published the language may be changed and the number of days allowed may no longer be an option. South Dakota allows the local agency to determine the number of days that carry-over will be allowed for maximum flexibility to fit the needs of the local agency. The number of days carry-over is allowed must be applied consistently within the local agency.

2. The U.S. Department of Education has provided grants to all 50 states for 21st Century Learning Communities. The Department of Education is now asking each state to collect data about the students being served by the grant funds. Can school food authorities share the status of individual students with this program?

A. Yes, limited disclosure of information is allowed. Refer to previous policy memorandum for more specific information on disclosure of information.

Child and Adult Nutrition Services - DOE

Website: <http://doe.sd.gov/oess/cans/index.asp>

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3. *A child brings lunch money to school and wants to purchase lunch. However, the child's household owes the school payment for meals previously served to the child on credit. May the school take the lunch money the child has brought to school and apply it to the balance owed for previous meals, and deny the child a meal for that day?*

A. No. One of the basic fundamental principles of the National School Lunch Program is that participating schools must offer a reimbursable lunch to each child who must be in school all day on a regular school day. There is no Federal requirements that a child be served a lunch if that child does not have money to pay for the lunch, unless the child eligible to receive a free lunch. However, if a child who is eligible for reduced price benefits or is in full-pay status wants a lunch, and has the money to pay for it, the school must serve the child.

4. *The person who reviews and approves the free and reduced price applications in a school is also responsible for determining who is eligible for free text books, based on their free/reduce price meal eligibility. This person knows that everyone who is eligible for free or reduced priced lunch also wants the benefit of free textbooks. Is it necessary for the school to use an application form that has the "optional benefits" check-off or other means of gathering permission from the household rather than the plain application?*

A. The "optional benefit" application form or other means of gathering permission from the household must be used, because its purpose is for the parent or guardian to officially release the confidential information about the child's eligibility for the "optional benefit" purpose. Otherwise, it is not permitted for anyone or another program to use the information on free and reduced price eligibility without the permission of a child's parent or guardian, even if the person certifying for the benefit application already knows the eligibility because they process the applications.

5. *Are there any federal laws to make sure that districts do not zone their boundaries to have more free and reduced priced eligible students at one school?*

A. No there are no federal guidelines in the CNP that speak to how districts design/construct school boundaries.

6. *Can the nutrition services director provide addresses of the free and reduced priced students to a demographer?*

A. No, since the students could easily be linked to their address and the demographer has nothing to do with any specific entitlement programs, the children would benefit from (Title I funding, special tutoring/afterschool programs) the addresses can not be provided by the school nutrition staff.

7. *At the beginning of the school year, there is a household with a mom and one son on a household application. Based on income, the child is eligible for reduced priced meals. Mid year another child (brother to child already on application) moves into the house. The family applies for benefits for the second child who also has a part time job.*

Now the application is based on a household of three with income from mom and son number two that moved in mid year. When income from the second son is counted, the family is not eligible. Would the son who originally was approved for reduced price meals still be eligible? Can the same application be used to determine eligibility for son number two?

A. The child who was originally approved for reduced price benefits would still be eligible to receive those benefits due to continuous year eligibility. Son number two could be added to the application however, a determination for that child would need to be made and all the information would need to be documented and dated on the application.

8. *A Migrant program wants the names of students receiving free or reduced priced meals. Is the migrant liaison a group names can be released to?*

A. No, per memo 99-07 disclosing names and eligibility status is information privy to persons directly connected with the administration or enforcement of certain programs, for example, Federal education programs or state health programs. The intent of the program is for the liaison to provide information to the SFA and not the other way around.

9. Reauthorization requires Local Education Agencies (LEA) to do a confirmation review of all free and reduced price eligibility applications. Can the confirming official/reviewer be a food service management employee?

A. The LEA is responsible for the confirmation review, just as they are responsible for the initial eligibility determination. Food service management company employees are not supposed to make eligibility determinations, since the confirmation review is a second party review of the initial eligibility determination. FSMC employees would not conduct the confirmation review. Policy memo SP-05-17 explains what is meant by confirmation review.

10. What if the school gets both a direct certification and a paper application for the same child?

A. In situations where the school/LEA receives both documentation for direct certification and an application submitted on behalf of the child, school officials should disregard the application. Direct certification takes precedence over the application submitted by the household.

11. Can a LEA Official complete an application for a child?

A. Current program regulations allow for completion of a school meals application by a LEA official if the LEA has information available to it that an individual household is eligible for free or reduced-price meals [see 7 C.F.R. 245.6(d)]. This policy is still valid. Information that might be available to an LEA includes, for example, specific knowledge of household circumstances or information from school counselor or community official.

12. What if there are households that do not speak English?

A. The process of translating the Free and Reduced Price School Meals Application package into 25 different languages has been finalized. This has been done in an effort to facilitate program access and the communication between the Local Educational Agencies and the household.

The translated application package includes the letter to households, the free and reduced price school meals application, the notification of selection for verification of eligibility and the letter of verification results. The translated application package also includes optional materials that may be provided to households, such as sharing information with Medicaid/SCHIP and sharing information with other programs.

The following translations are now available on the Child Nutrition Programs website: Arabic, Cambodian, Chinese (Mandarin), Farsi, French, Greek, Haitian, Hindi, Hmong, Japanese, Korean, Kurdish, Laotian, Polish, Portuguese, Russian, Samoan, Serbo-Croatian, Somali, Spanish, Sudanese, Tagalog, Thai, Urdu, and Vietnamese.

The translations have been posted in Word and PDF format on the USDA website at <http://www.fns.usda.gov/cnd/FRP/frp.process.htm>.

Wellness Policies

1. The Reauthorization Act states that each Local Education Agency (LEA) must have a wellness policy in place. Does LEA apply to only K-12 schools (public and private), or will it also apply to schools/sponsors only participating in the Special Milk Program?

A. Special Milk Program only school/sponsors will also need to have a wellness policy because they have an agreement under the National School Lunch Program.

2. How will the wellness policies be monitored?

A. The State Agency (SA) has a responsibility to ensure that each LEA has been notified of its responsibility to establish a local wellness policy. Oversight to determine compliance can be accomplished through the regular Coordinated Review Effort, School Meals Initiative review or any other type of on-site visit. In the case that an LEA does not have a wellness policy in place when it is reviewed, the SA will require the LEA to take corrective action. The SA has no obligation, however, to review and evaluate the content of a local wellness policy since the policy is a local decision.

Allowable Costs

1. An SFA is moving their outside walk-in freezer to a more convenient outside location and also building a building around it. School food service funds can not be used for the building construction, flooring, or any wiring to the building. Can the SFA use food service funds to pay for disassembling and reassembling the freezer? If the SFA was moving the outside freezer from one location to another and not constructing a building around it, could food service funds be used for a cement pad?

A. Per our guidance A-87 and SP 94-c-5 and with approval from the Regional Office the SFA can use the nonprofit school food service revenue to disassemble and reassemble the freezer and for the cement pad too. Since the freezer is a necessary component to storing food at certain temperatures, it would be an allowable cost only the maximum extent being used for the CNP.

Civil Rights

1. Does the full civil rights statement need to be used on all materials or can the one sentence statement be used? Can the full statement be in a smaller font than the other text on the page?

A. Based on information found in the FNS 113 instruction, the full statement should be used if the materials are not considered too small to use the full statement and the only place where specific text size is mentioned is when the smaller statement is used. The smaller statement when used must be in the same text/font size as all the other information.